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Edward Westin	703-746-6886	U.S. Appln. Ser. No. 09/132,085

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COMMENTS/MESSAGE:

At the request of Larry Anagnos, faxed herewith please find a complete copy of "Decision on Petition to Withdraw the Holding of Abandonment", dated September 19, 2002, in U.S. Appln. Ser. No. 09/132,085, filed Aug. 10, 1998 (our docket number 500.32032CC6).

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Paper No. 20

SEP 19 2002

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In re Application of :  
K. MATSUBARA, et al. :  
Application No.: 09/132,085 :  
Filing Date: August 10, 1998 :  
Attorney's Docket No.: 500.32032CC6 :

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is a decision on the "Petition to Withdraw Erroneous Holding of Abandonment" filed June 6, 2002 under 37 C.F.R. § 1.181. There is no fee for this petition.

The petition is GRANTED.

This application became abandoned for failure to pay the required issue fee within the statutory period of three months from the mailing date of December 9, 1999 of a corrected Notice of Allowance and Issue Fee Due (hereinafter Notice of Allowance). A first Notice of Allowance was mailed on June 7, 1999. A Notice of Abandonment was mailed on June 19, 2000.

Petitioner asserts that the Notice of Allowance was not received since it was mailed to an incorrect address. A review of the application reveals that the transmittal letter filed with the application requested that the correspondence address be that corresponding to Customer Number 20457 while the declaration requested that the correspondence address be that to which the Notice of Allowance was mailed. MPEP § 403 states "any inconsistencies between the correspondence address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application would be resolved in favor of the address of the Customer Number." In view of MPEP § 403, it is clear that the address associated with Customer Number 20457 should have been made the correspondence address.

Given the above information, the question remains what was the address associated with Customer Number 20457 at the time of the mailing of the Notice of Allowance. Based upon Office records, it is apparent that 1300 North Seventeenth Street, Suite 1800, Arlington, VA 22009 has been the correspondence address associated with Customer Number 20457 since as early as 09/30/97.

Application No. 09/132,085  
Decision on Petition Under 37 CFR § 1.181

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Since the corrected Notice of Allowance mailed on December 9, 1999 and the original Notice of Allowance mailed on June 7, 1999 were mailed to an incorrect address, it is appropriate to withdraw the Notice of Abandonment.

The Notice of Abandonment mailed on June 19, 2000 is hereby VACATED.

This application is being forwarded to the Examiner for consideration of the Information Disclosure Statement filed on June 6, 2002. If the claimed invention is still determined to be allowable, a new Notice of Allowability and a new Notice of Allowance will be mailed. The mailing of a new Notice of Allowance will set a new non-extendable due date for the payment of the Issue Fee.

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